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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,242	12/20/2001	Kurt Persson	003300-734	7135

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EXAMINER

GREEN, BRIAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 05/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

10/022,242

Applicant(s)

PERSSON, KURT

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 5, 12-14, 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 15, 16, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☒ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

Applicant's election without traverse of species I. in Paper No. 10 is acknowledged.

Claims 5, 12-14, 17, and 18 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10.

### ***Specification***

The abstract of the disclosure is objected to because on line 9, legal phraseology "said" is used which is improper. Correction is required. See MPEP § 608.01(b).

The applicant failed to provide headings before the appropriate sections.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.

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- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 112***

Claims 1-4,6-11,15,16,19, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 3-4, there is no antecedent basis for "the information". In claim 1, line 7, "said light-emitting member" should apparently be "said at least one light-emitting member". In claim 1, lines 10 and 13, "said member" should apparently be "said at least one light-emitting member". In claim 2, lines 3-4, "at least one light-emitting member" is indefinite since it is not clear whether the applicant is referring to the at least one light-emitting member mentioned in claim 1 or is referring to a different at least one light-emitting member. In claim 2, line 5, and throughout the rest of the claims, "said member" should apparently be "said at least one light-emitting member". In claim 3, lines 1-2 and the rest of the claims, "said light-emitting member" should apparently be "said at least one light-emitting member". In claim 3, line 2, there is no antecedent basis for "the associated slot". In claim 3, line 4, it is not clear what member the applicant is referring to by the word "its". In claim 3, line 4, "rear opposite end" should apparently be "the rear end". In claims 4 and 16, line 2, "straight and/or curved" is indefinite since it is not clear how the element can be both straight and curved. In claim 7, lines 2-3, it is not clear how the member can be shaped like "a sheet, tube and /or rod". In claim 8, there is no

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antecedent basis for “the upper end”, lines 2-3; “the mounted state”, line 3; “the lower portion”, lines 3-4. In claim 9, lines 1-2, there is no antecedent basis for “the edge sides”. In claim 9, lines 3-4, “such as” and “or the like” are indefinite since the metes and bounds of the claim can not be determined. In claim 11, line 4, there is no antecedent basis for “the entire light-absorbing surface”. In claim 15, line 2, there is no antecedent basis for “the associated slot”. In claim 15, line 4, “its rear opposite end” should be “the rear end” to make it clear that the applicant is referring to the rear end defined in claim 1.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 7, 10, 11, 15, 16, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Krent et al. (U.S. Patent No. 4,843,524).

Krent et al. shows in figures 1-10 a sign unit including a sheet-like device (the top horizontal wall 21) and at least one light emitting member (12) formed out of fluorescent plastic material that extends from the front of the device past the rear of the device. In regard to claim 2, Krent shows in figures 1 and 4 that the device (21) includes a slot for receiving the light emitting member (12). In regard to claim 3, Krent et al. shows in figure 1 that the light emitting member (12) extends past the rear surface of the device (21). In regard to claim 10, the sidewalls (vertical walls 21) are considered to form the casing and the sidewalls include transparent portions (12), see figure 1. In regard to claim 11, the transparent portions (12) include

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fluorescent material which diffuses the light. In regard to claims 19 and 20, the member (12) is considered to be bar-shaped, i.e. a flat bar.

Claims 1-4,6,7,8,15,16,19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (U.S. Patent No. 5,398,170).

Lee shows in figures 1-3 a sign unit including a sheet-like device (110) and at least one light emitting member (106) formed out of fluorescent plastic material that extends from the front of the device past the rear of the device. In regard to claim 2, Lee shows in figure 1 that the device (110) includes a slot for receiving the light emitting member (106). In regard to claim 3, Lee shows in figure 1 that the light emitting member (106) extends past the rear surface of the device (110). In regard to claim 8, Lee shows in figures 1 and 3 that the length of the member increases from the upper portion toward the lower portion, i.e. see fig. 3 at the lead line for numeral 304, the length increases from the upper portion (right hand side in fig. 3) "toward" the lower portion (left hand side in fig. 3). In regard to claims 19 and 20, the member (106) is considered to be bar-shaped or rod-shaped.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krent et al. (U.S. Patent No. 4,843,524) in view of McManigal (U.S. Patent No. 5,251,392) or Tachihara et al. (U.S. Patent No. 4,059,916).

Krent et al. discloses the applicant's basic inventive concept except for increasing the length of the member from the upper portion to the lower portion. McManigal shows in figure 9 the idea of increasing the size of the member (39') from an upper portion toward the lower portion in order to more evenly illuminate a display. Tachihara et al. shows in figures 4 and 5 the idea of increasing the size of the member (4) from an upper portion (the side away from the light source) toward a lower portion for providing more even illumination. In view of the teachings of McManigal or Tachihara et al. it would have been obvious to one in the art to modify Krent et al. by increasing the length of the member from the upper portion to the lower portion since this would allow the member to be illuminated in a more even manner.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krent et al. (U.S. Patent No. 4,843,524) in view of Schoniger et al. (U.S. Patent No. 4,903,172).

Krent et al. discloses the applicant's basic inventive concept except for attaching a reflective element at the edge of the member. Schoniger et al. shows in figure 2 the idea of attaching a reflective element (12) to the edge of an illuminated display. In view of the teachings of Schoniger et al. it would have been obvious to one in the art to modify Krent et al. by attaching a reflective element at the edge (the edge in which the lead line for numeral 12 is directed in figure 1) of the member since this would allow the front surface of the member to be illuminated in a more brilliant manner.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Arnold, Chubb, Crow, and Schneider teach the use of displays that include a sheet-like device including at least one light-emitting member. Vigon teaches the use of a fluorescent character.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.

  
BRIAN K. GREEN  
PRIMARY EXAMINER

bkg  
May 22, 2003